

John L. Cooper (State Bar No. 050324)
jcooper@fbm.com
Farella Braun + Martel LLP
235 Montgomery Street, 17th Floor
San Francisco, CA 94104
Telephone: (415) 954-4400
Facsimile: (415) 954-4480

Attorneys for Rule 706 Expert, Dr. James R. Kearl

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

vs.

GOOGLE, INC.,

Defendant.

Case No. C 10-3561 WHA

**DECLARATION OF DR. JAMES R.
KEARL IN SUPPORT OF RESPONSE OF
DR. JAMES R. KEARL, RULE 706
EXPERT, TO ORACLE'S MOTION IN
LIMINE #6 REGARDING RULE 706
EXPERT**

Dept.: Courtroom 8, 19th Floor
Judge: Hon. William H. Alsup

I, James R. Kearl, declare as follows:

1. By Orders dated August 30, 2011 (Dkt. 374) and September 9, 2011 (Dkt. 413) I was appointed by this Court pursuant to Rule 706 of the Federal Rules of Evidence to serve as an independent expert on the issue of damages claimed by plaintiff Oracle America, Inc. in the present action. My biographical information and credentials are set forth in my expert report dated March 21, 2012 which has been previously served on the parties.

2. Attached hereto as Exhibit A are true and correct copies of excerpts from Expert Report of Professor James R. Kearl (Corrected March 21, 2016).

3. Attached hereto as Exhibit B are true and correct copies of excerpts from the

1 transcript of the Video Deposition of James R. Kearl, Ph.D., dated March 23, 2016.

2
3 I declare under penalty of perjury under the laws of the State of Utah that the foregoing is
4 true and correct.

5 Executed this 8th day of April 2016 at Provo, Utah.

6
7 /s/ James R. Kearl
James R. Kearl

8
9
10 I hereby attest that I have on file all holograph signatures for any
11 signatures indicated by a "conformed" signature (/s/) within this
e-filed document.

12 /s/ John L. Cooper
13 John L. Cooper